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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/770,644 | 01/25/2001 | Ofir Paz | 14531.107.1.2 | 6756 |

47973 7590 12/06/2005

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| EXAMINER |
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SHINGLES, KRISTIE D

| ART UNIT | PAPER NUMBER |
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2141

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/770,644

Applicant(s)

PAZ ET AL.

Examiner

Kristie Shingles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-35 and 51-53 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 31-35 and 51-53 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/2/05.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Claim 31 has been amended. Claims 1-30 and 36-50 have been cancelled.

Claims 51-53 are new.

Claims 31-35 and 51-53 are pending.

Response to Arguments

1. Applicant's arguments with respect to claim 31 have been considered but are moot in view of the new ground(s) of rejection.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 9/2/2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the Office. An initialed and dated copy of Applicant's IDS 1449 form is attached to the instant Office action.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. **Claims 51-53** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 51-53 recite the limitation "the method of claim 31" in first line of the claims. There is insufficient antecedent basis for this limitation in the claim; and inconsistency in regards to the statutory class of the predecessor claim, independent Claim 31. Correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 31-35 and 51-53** are rejected under 35 U.S.C. 102(b) as being anticipated by *Salesky et al* (USPN 6,343,313).

a. **Per claim 31**, *Salesky et al* teach in a computing system with a server that provides remote client access to a software program that creates a layout of elements from a display design based on limitations of the system, wherein the display will be transmitted to one or more clients as compressed video stream, the software program comprising: one or more computer readable media having stored thereon:

- a restriction module that when running at a server receives one or more restrictions defining one or more limitations imposed by a compression method to be used in generating a display representing a user interface corresponding to a program running at the server and that is displayed at a remote client as a

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compressed video stream (col.2 line 66-col.3 line 41, col.4 lines 21-30; the server is able to determine the capabilities of the client device, which include limitations imposed by compression and decompression methods);

- a design module that when running at the server, lays out one or more display elements for said user interface, responsive to said received one or more limitations in order to meet said one or more limitations when creating a compressed video stream of said display to be sent to said remote client (col.3 lines 24-42, col.4 lines 9-29, col.9 lines 13-35), wherein the design module modifies the layout of the one or more display elements relative to a layout without the one or more limitations, and wherein the modifications includes at least one or more of moving an element, replacing an element, changing a property of an element, or removing an element (col.2 lines 29-53, col.3 lines 24-42, col.4 lines 9-29, col.8 lines 3-29, col.11 lines 1-37, col.12 lines 28-44, col.16 lines 8-32, col.16 line 51-col.17 line 26; the server provides design modifications applicable to the layout of the display elements on the client's device, such modifications include size-scaling, pointer positioning, etc.);
- a compression module for compressing the modified layout of the one or more display elements into the compressed video stream and such that the compressed video stream includes a modified layout that was modified by, at least one of, moving an element, replacing an element, changing a property on an element, or removing an element and responsive to the one or more limitations (col.7 line 21-col.8 line 29, col.11 line 46-col.12 line 44, col.15 lines 45-54; provision for compression-modified layout of the display elements); and
- a transmission module for sending the compressed video stream to one or more clients for viewing and interacting with the user interface of the program (col.7 lines 21-34, col.7 line 66-col.8 line 17, col.9 lines 13-35; server relays the compressed video stream to clients for interaction).

b. **Per claim 32, *Salesky et al*** teach software according to claim 31, wherein said one or more restrictions include a block size definition (col.7 line 35-col.8 line 17, col.9 line 58-col.11 line 37, col.12 line 17-col.13 line 43, col.14 lines 1-30, col.15 lines 45-54).

c. **Per claim 33, *Salesky et al*** teach software according to claim 31, wherein said one or more restrictions include a bandwidth restriction, and wherein laying out of said one or more display elements comprises selecting one or more display elements to match said

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bandwidth limitations (col.2 line 66-col.3 line 23, col.4 lines 9-43, col.12 lines 17-28, col.13 line 61-col.14 line 6, col.18 lines 27-39, col.27 lines 25-30, col.34 line 64-col.35 line 18).

d. **Per claim 34**, *Salesky et al* teach software according to claim 31, wherein said one or more computer readable media have stored thereon an automated WWW generator for a WWW server (col.1 line 65-col.2 line 6, col.8 lines 30-54, col.9 lines 1-5, col.29 line 43-col.30 line 18)

e. **Per claim 35**, *Salesky et al* teach software according to claim 34, comprising a communication module for receiving said one or more restrictions from a server associated with said compression (col.3 lines 36-41, col.4 lines 9-43, col.7 lines 35-56, col.18 lines 48-61, col.27 lines 42-57, col.28 lines 2-27).

f. **Per claim 51**, *Salesky et al* teach the method of claim 31, wherein the modification includes at least replacing an element, and wherein the replacement is based on the type of the element (col.10 lines 13-18, col.15 lines 1-35, col.20 line 63-col.21 line 31, col.34 lines 54-59).

g. **Per claim 52**, *Salesky et al* teach the method of claim 31, wherein the modification includes at least moving an element, and wherein the movement is based on one or more portions of the element straddling a boundary of a block (col.8 lines 17-29, col.13 lines 27-43, col.15 lines 36-54, col.16 lines 8-50).

h. **Per claim 53**, *Salesky et al* teach the method of claim 31, wherein the program running at the server comprises a WWW page (col.1 line 65-col.2 line 6, col.8 lines 30-54, col.9 lines 1-5, col.29 line 43-col.30 line 18).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: *Aoki et al* (USPN 6,704,907), *Fujita et al* (USPN 5,825,336), *Lavallee* (USPN 6,215,904), *Taylor* (USPN 6,020,863), *Ludwig et al* (USPN 6,237,025), *Schumann et al* (USPN 6,078,328).

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00PM.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner
Art Unit 2141

kds


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER